

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on January 24, 2006, the Examiner rejected claims 1, 2 and 4-28, under 35 U.S.C. § 112(a), second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention; claims 1, 2, 4-28 were rejected under 35 U.S.C. § 101 because the claimed invention was directed towards different statutory classes under 35 U.S.C. § 101; and claims 1, 2, 4-28 were rejected under a non-statutory obviousness-type double patenting as being unpatentable over claims 1-59 of U.S. Patent No. 6,589,514. Accordingly, Applicant respectfully submits the following.

Rejections under 35 U.S.C. 112, Second Paragraph

Examiner indicated that claims 1 and 25-28 recite “processed *Morinda citrifolia* oil extract” and it was not clear whether the seed extract is oil seed extract or an oil extract from another source of the plant. Applicant has amended the claims of the present invention to recite “seed oil extract.” Accordingly, Applicant respectfully submits that the pending Section 112 rejection has been obviated by the amendments and requests the withdrawal of the rejection.

The office action further indicated that it was not clear whether the claims are directed towards the method of making a composition or a method of using a composition. Applicant has respectfully amended the preamble of claims 1 to recite a method of making a topical cosmetic skin toner composition. Accordingly, claim 1 is drawn to a method of making and so are the dependent claims which depend from it. Accordingly, Applicant respectfully requests withdraw of Section 112 rejection.

Rejections Under 35 U.S.C. § 101

As noted above, Applicant has respectfully amended the preamble of claim 1 to recite “a method for making a topical cosmetic skin toner.” Accordingly, claim 1 and the claims that depend from it are directed to a method for making a composition. Accordingly, Applicant respectfully requests that the Section 101 rejection be withdrawn.

Non-Statutory Double Patenting

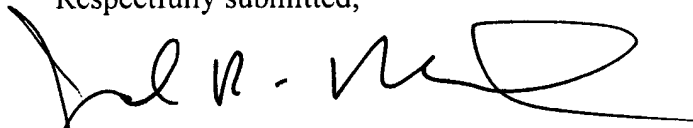
Enclosed herewith please find a Terminal Disclaimer timely filed in compliance with 37 C.F.R. § 3.73. Accordingly, Applicant respectfully requests that the non-statutory obviousness/type double patenting rejection be removed.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 20 day of April, 2006.

Respectfully submitted,



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